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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

Written statement*/ submitted by the Romanian Independent Society of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 January 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

GE. *200101029*

ENG

(1) SIRDO is a non-governmental organisation, founded in June 1990, based on Sentence no. 1783 of the Bucharest Court of Sector 3, with the purpose of promoting and protecting human rights and fundamental freedoms. The organisation has developed activities in the support of disfavoured categories and vulnerable groups: men and women, adults and underage, refugees, migrants, aliens, prisoners, minorities, victims of domestic violence, etc. There have been preoccupations for legal assistance and counselling, research and monitoring of the way in which the state authorities respect the international obligations in human rights and the conventions Romania is part to.
SIRDO has tried to re-establish the citizens' trust in the act of justice, repeatedly asking for the respect of the right to remedies.

(2) SIRDO had sustained activities in the field of human rights and democracy, being accredited at the Beijing International Conference of Women and member in the steering group of the CIS Conference on Refugees and Displaced Persons, participated to the working group for the elaboration of Resolution 2000/L45 "Promoting and Consolidating Democracy", adopted by the UN Commission of Human Rights and by the United Nations General Assembly and included in the Fourth International Conference of New Restored Democracies, Cotonou.

SIRDO promotes the claims of the victims towards the UN Special Rapporteurs.

SIRDO supports the citizens by counselling and instrumenting their cases to the European Court of Human Rights.

(3) SIRDO publishes an annual report representing an analysis of the extent in which human rights protection is a preoccupation of the Romanian authorities. The report is sent to authorities, embassies, international institutions, media, other NGOs and it should be an alarm signal for the Romanian government considering the state of moral and material decay of the population.

(4) The Constitution establishes the importance of the international Conventions and Treaties of human rights that are part of the internal law (art. 11 and art. 20). The Parliament did not mainly focus on matching the internal legislation with the international standards.

After 1990, the governments avoided to include in the governing programmes the necessity to protect and promote human rights. By its nationalist and extremist options in the elections of November - December 2000, Romania was almost excluded from the democratic states. The Romanian electors gave a serious warning to the political class. The new government continues the governing policy outside the recognition of human rights value and of fundamental freedoms, ignoring the international obligations, and promising to respect the rights and freedoms of citizens. Thus, outside the protection frame of human rights are left the aliens, refugees, stateless persons, while Romanian citizens still bare undemocratic practices, as the Romanian Government thus infringes upon the Vienna Declaration, paragraph 3.

The link between human rights, development and democracy, promoted as fundamental for the development of states at the World Conference on Human Rights in

1993, was not an objective in the governmental programmes and policies. The interest of the political class focused on economic power. The most damaging phenomenon, also noticed by the European Union Extension Commissioner, and which is an obstacle against a correct process of privatisation, is the presence of the former Securitate (Romanian Communist Secret Service) at all the levels of state or private economy.

(5) The militarised structure of the police, justice, prosecutor's offices as well as penitentiaries leads to an aggressive policy sustained by military orders. The reform in 2000 gave new privileges to the military compartments. Military orders are unknown to attorneys and the independent administrative control is impossible to achieve.

(6) Romania is confronted with economic, political, social and cultural transition. The high costs increased the degree of poverty and desperation of the people. The initiative of the UNDP representative in Romania, settled in 1998, to create the UN development assistance framework for Romania by involving other UN agencies, was finalised in an intermediary report stating the incapacity of the Romanian government to respect its obligations. Governing outside the frame of human rights affects the main democratic principles, thus excluding the rights to social protection and reintegration, the right to development and the right to an effective remedy. Romania allows for torture and inhuman and degrading treatments, for the infringement of the rights of the child, women's' rights, rights of minorities, and these habits rooted in communist age are continued. As the guilty persons remain unpunished, the justice is blamed and the citizens loose their trust in the state's fundamental institutions.

Romania functions outside the education system on human rights. The students who graduate abroad in international law cannot practice it in Romania, as this field is not recognised as a position.

The political class created its own network of sponge associations and foundations of funds for purposeless social programmes. The governments neglected the attraction of funds from the European Union for the NGOs specialised in social assistance.

The inconsistency of social protection programmes together with the dramatic decrease of the living standard resulted in a social class that reached the lower limit of survival (40% of the population are under the poverty level). The parallel economy was a support of prosperity for an influent social class within the economic and bank sectors. By mob mechanisms initiated in these two sectors, the high costs of transitions are paid by the population, by families with many children, women, physically or psychically challenged persons, orphans, thus increasing the differences between the corrupted rich and the majority of the population. The illicit preoccupations for exploiting practices have increased, thus including the work and sexual profits, breaking the law, the high rate of criminality and delinquency.

(7) The secret services developed their policies inside the institutions, focussing on surveillance and diversion, mixing among disfavoured categories (prisoners, minorities), as well as among the underground world for serving fractions against other fractions as well as for offering information and protection to clients. The financial and social support of medical services continually decreased.

The ecological accidents were directly related to the lack of interest for the environment. Water, air and soil polluting industrial mastodons were kept.

(8) The legal reform and the assurance of an independent justice power are stopped by the formal means of approaching the objectives of the penal policy and by the lack of implication in solving the main aspects of the problem.
The purpose, the role and the regime of punishments as well as the alternative to the deprivation of freedom were not settled, as the penal legislation does not match the international standards in the field. The right to ownership and refund of goods confiscated by the state, the refund of properties to individuals and churches were not active in practice.

(9) Considering the above mentioned and the five written statements SIRDO forwards for analysis in the 57th session, we ask for the urgent intervention of the Commission in order to establish clauses for monitoring Romania as a state member in the Commission during its mandate until the end of 2001.

We also consider it necessary that the member states in the Human Rights Commission should only grant another mandate to Romania if this country respects the obligations taken by the Romanian state to develop democracy in direct relationship with the protection and promotion of human rights, thus insuring the complete implementation of international obligations stated in the Conventions and Treaties Romania is part to.

(10) We ask the Human Rights Commission - based on the fact that a lasting peace involves economic development, social justice, education, protection of environment and, not least, the respect of human rights - to inform and demand the specialised compartments of the United Nations responsible for peace and security, to provide counselling in order to demilitarise the police and the penitentiaries as well as to dissolve the secret services within these institutions.

(11) Considering the statements of the present Romanian officials, infringing upon international and regional obligations in human rights, and considering that, in 10 years, human rights were frequently infringed in Romania, we think it proper and justified to settle a branch of the High Commissioner for Human Rights in Romania, including all the responsibilities of an operative office for counselling and support for an effective legal and institutional reform.

(12) SIRDO will continue to be involved in acknowledging human rights infringements, as it is preoccupied to analyse the way in which the Romanian authorities respect the international instruments Romania is part to.